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12
13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 RUSSELL E. BURNS, et al.,

16 Plaintiffs,

17 v.

18 HALOPOFF & SONS, a California
Corporation; JOHN HALOPOFF, an
19 individual

20 Defendants.
21

Case No.: C13-3968 YGR

**JOINT REQUEST FOR CONTINUANCE OF
CASE MANAGEMENT CONFERENCE;
[PROPOSED] ORDER THEREON**

Date: January 26, 2015

Time: 2:00 p.m.

Ctrm: 1, 4th Floor

1301 Clay Street

Oakland, California

Judge: The Honorable Yvonne Gonzalez Rogers

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23 Plaintiffs and Defendants respectfully request that the Case Management Conference,
24 scheduled for Monday, January 26, 2015, at 2:00 p.m., be continued for approximately sixty (60)
25 days. Good cause exists for the granting of the continuance as follows:

26 1. As the Court's records will reflect, this action was filed on August 27, 2013 to
27 compel Defendants to comply with the terms of their Collective Bargaining Agreement.

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[PROPOSED] ORDER THEREON
CASE NO.: C13-3968 YGR**

1 2. Plaintiffs served the Summons and Complaint on Defendants on September 4,
2 2013.

3 3. Plaintiffs performed an audit of Defendants' payroll records for the period of
4 August 1, 2012 through November 30, 2013. The audit revealed Defendants owed Plaintiffs
5 approximately \$127,000.00 for unpaid contributions, plus liquidated damages, interest, and audit
6 fees.

7 4. Defendants also owe Plaintiffs approximately \$121,000.00 for unpaid contributions
8 for hours worked from September 2012 through January 2014, plus liquidated damages and
9 interest on all unpaid and late-paid contributions through January 2014.

10 5. The parties met and conferred regarding amounts due to Plaintiffs, and Defendants
11 claimed that due to financial hardship they are unable to pay their debt.

12 6. On November 24, 2014, the parties filed a prior Joint Request to continue the Case
13 Management Conference because the parties were still negotiating a potential resolution of this
14 matter. On November 25, 2014, the Court granted the parties' Request and the Case Management
15 Conference was continued to January 26, 2015.

16 7. The parties have been unable to reach an agreement.

17 8. On December 29, 2014, Plaintiffs applied for an *ex-parte* Right to Attach Order and
18 Writ of Attachment after they learned that Defendants' property was being sold to satisfy a debt
19 owed to a bonding company. Plaintiffs sought to protect their right to recover all amounts owed by
20 Defendants.

21 9. On January 15, 2015, the Court granted Plaintiffs application and issued a Right to
22 Attach Order and Order for Issuance of Writ of Attachment. (Docket. No. 54).

23 10. Plaintiffs are in the process of preparing a Motion for Summary Judgment against
24 Defendants, which they intend to file within the next 30 days.

25 11. There are no issues that need to be addressed by this Court at the currently
26 scheduled Case Management Conference. In the interest of conserving costs, as well as the
27 Court's time and resources, the parties respectfully request that the Court continue the currently
28 scheduled Case Management Conference for approximately sixty (60) days to allow sufficient

JOINT REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE
~~PROPOSED~~ ORDER THEREON
CASE NO.: C13-3968 YGR

1 time for Plaintiffs' to prepare and file a Motion for Summary Judgment against Defendants.

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3 Dated: January 16, 2015

**SALTZMAN & JOHNSON
LAW CORPORATION**

4
5 By: _____ /S/

6 Shivani Nanda
Attorneys for Plaintiffs

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8 Dated: January 16, 2015

**MOTSCHIEDLER, MICHAELIDES,
WISHON, BREWER & RYAN, LLP**

9
10 By: _____ /S/

11 Justin D. Harris
Attorneys for Defendants

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13 IT IS SO ORDERED.

14 Based on the foregoing, and GOOD CAUSE APPEARING, the currently set Case
15 Management Conference is hereby continued to March 30, 2015, and all related deadlines are
16 extended accordingly.

17 Date: January 21, 2015


18 THE HONORABLE YVONNE GONZALEZ ROGERS
19 UNITED STATES DISTRICT COURT
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